

Remarks/Arguments

Reconsideration of this application, as amended, is respectfully requested.

I. Status of the Claims

Claims 1 to 14, 18 to 20 and 22 to 27 are pending. Claims 9, 20 and 24 to 27 have been withdrawn from consideration. Claims 1 to 4, 10 to 14, 18, 19 and 23 stand rejected under 35 U.S.C. § 103 as obvious over WO 2000/25786 ("Bao") in view of Williams et al., Brain Res, vol. 493, pp. 41-50, 1989 ("Williams") and Patani et al., Chem Rev, vol. 96, pp. 3147-3176, 1996 ("Patani"). Claims 1 to 8, 10 to 14, 18, 19, 22 and 23 stand as provisionally rejected for non-statutory double patenting over Claims 1, 4 and 18 of copending U.S. Application No. 10/579,261 ("the '261 application") in view of Williams and Patani et al., Chem Rev, vol. 96, pp. 3147-3176, 1996. No claim was allowed.

This Amendment cancels Claims 1 to 3, 5, 12, 13, 24 and 25 and amends Claims 4, 6, 9, 10, 11, 14, 18, 22, 23, 26, 27. Upon entry of this Amendment, claims in the application will be Claims 4, 6 to 11, 14, 18 to 20, 22, 23, 26 and 27.

II. Obviousness Rejection

Applicants acknowledge the suggestion at page 9, paragraph 17 of the Office action that lack of potassium channel activity could be considered an unexpected result sufficient to overcome the obviousness rejection. The undersigned appreciates the Examiner interviewing on this topic on January 26, 2010. Submitted herewith is a Declaration of Scott Wolkenberg describing evidence that the claimed compounds would not possess potassium channel activity. Applicants submit this Amendment narrows the claim scope commensurate with this evidence. As such, withdrawal of the obviousness rejection is respectfully requested.

III. Double Patenting Rejection

Applicants request the provisional obviousness-type double patenting rejection be withdrawn in view of the abandonment of U.S. Application No. 10/579,261.

IV. Rejoinder

Withdrawn Claims 9 and 20 are directed to Group I subject matter and should be rejoined. Rejoinder of the method claims 26 and 27 pursuant to M.P.E.P. § 821.04 is also respectfully requested.

VI. Conclusion

An early and favorable examination is earnestly solicited.

Respectfully submitted,

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